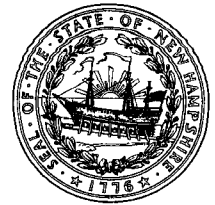




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 06-049**

May 16, 2006

Robert MacNeil
Susan Oliveri
Yankee Barn Road Realty Trust
PO Box 739
Grantham, NH 03753

RE: DES Wetlands File #2006-00135 163 Yankee Barn Rd, Grantham

Dear Mr. MacNeil and Ms. Oliveri:

On April 24, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above-referenced property, more specifically referenced on Town of Grantham Tax Map 226 as Lot 18 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection the following deficiency was documented:

1. Fill forming from a 2003 diversion of Sawyer Brook had failed and filled the original thread with gravel and sediment, thereby blocking the original stream channel and causing a new channel to form.

In response, you are requested to take the following actions:

1. By May 26, 2006, retain an engineer or hydrogeologist experienced in stream restoration and streambank stabilization. Submit their name, address and telephone number to DES by June 1, 2006.
2. By July 1, 2006, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by the consultant, and include provisions for restoring the stream to the original thread and for restoring the new stream thread on the Property. Submit the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area; and
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.

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2. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

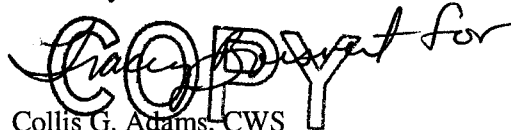
Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for imposition of civil penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact Linda Magoon at (603) 271-4056 or by e-mail at lmagoon@des.state.nh.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Collis G. Adams", is written over a large, stylized, outlined word that looks like "COPY".

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7005 1820 0005 8303 0231

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Grantham Conservation Commission
Grantham Board of Selectmen
USACOE